

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Robert E. Moss,

Petitioner,

Case No. 1:09-cv-280

- vs -

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

Warden, Lebanon Correctional Institution

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Michael R. Merz (Doc. 18), the objections filed thereto (Doc. 22) and the Supplemental Report and Recommendations (Doc. 23). Despite requesting an extension of time to do so, Petitioner did not file objections to the Supplemental Report and Recommendation and the time for filing such objections under Fed. R. Civ. P. 72(b) expired on August 31, 2010.

Upon de novo review, the Court hereby ADOPTS the Report and Recommendation and the Supplemental Report and Recommendation. The Supplemental Report and Recommendation adequately addresses the arguments raised by the Petitioner in his objections to the Report and Recommendation. Because this Court concludes the reasoning that supports the Report and Recommendation and the Supplemental Report and Recommendation have been correctly articulated by the Magistrate Judge, issuance of a detailed written opinion by this court would be duplicative and serve no useful purpose.

Accordingly, it is hereby ORDERED that the Petition herein is DISMISSED with prejudice. Petitioner is also DENIED leave to appeal *in forma pauperis* and any requested certificate of appealability.

IT IS SO ORDERED.

s/Michael R. Barrett
United States District Judge